IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 21968 of 2007(M)

PETITIONER:

JOHNSON, S/O KADAVI DEVASSY,
KALOOR VILLAGE, NAYARANGADI DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

3. THE ENVIRONMENTAL ENGINEER,
KSPC BOARD, DISTRICT OFFICE, THRISSUR.

4. THRIKKUR GRAMA PANCHAYAT REPRESENTED BY
THE SECRETARY, THRIKKUR , THRISSUR.

5. VARGHESE, S/O INASU,
THAYYALAKKAL HOUSE, NAYARANGADI DESOM,
KALLOOR VILLAGE.

BY G.P. SRI.SHYSON P.MANGUZHA
BY ADV. SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.GEORGE JACOB (JOSE)
SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 21968/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT.

EXT.P2: COPYOF REPORT DATED 5.3.2007 OF THE 3RD RESPONDENT.

EXT.P3: COPYOF THE LETTER DATED 5.3.2007 TO THE 5TH RESPONDENT BY THE 3RD RESPONDENT.

EXT.P4: COPY OF THE NOTICE DATED 24.5.2007 ISSUED BY THE 3RD RESPONDENT TO THE 5TH RESPONDENT.

EXT.P5: COPY OF THE ORDER IN IA 872/2007 IN OS 404/2007.

RESPONDENTS EXHIBITS;

EXT.R1: COPYOF THE LICENCE ISSUED BY THE 1ST RESPONDENT DATED 23.3.1990.

EXT.R2; COPY OF THE LICENCE ISSUED BY THE 4TH RESPONDENT ON 16.4.2007.

EXT.R2(A): COPY OF THE license ISSUED BY THE 4TH RESPONDENT ON 24.1.1998.

/TRUE COPY/

P.A. TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 21968 of 2007

Dated this the 18th day of September , 2007

JUDGMENT

The grievance of the petitioner is that the party respondent (5th respondent) is conducting a Flour Mill without any consent to operate from the State Pollution Control Board in that regard.

2. Heard Sri.T.N.Manoj, the learned counsel for the petitioner, Sri.Krishna Das P.Nair, the learned counsel for the party respondent and the learned counsel representing the Standing Counsel for the Pollution Control Board Sri.M.K.Chandramohan Das .

3. It is submitted on behalf of the Pollution Control Board that that the 5th respondent has not complied with the direction given to him under Ext.P3. The learned counsel for the party respondent took very strong exception to the above submission and submitted that all the directions in Ext.P3 have been complied with. Sri.T.N.Manoj the learned counsel for the petitioner would submit that till this date consent to operate has not been granted and the 5th respondent is continuing with operation of the Flour Mill without consent to operate.

4. Having regard to the submissions at the bar, I dispose of the writ petition issuing the following directions:

The Environmental Engineer of the Kerala State Pollution Control Board (3rd respondent) is directed to conduct an inspection immediately in the unit of the 5th respondent with notice to the 5th respondent and the petitioner for ascertaining whether the directions enumerated in Ext.P3 have been complied with by the 5th respondent. If the inspection reveals that the all the directions in Ext.P3 have been satisfactorily complied with by the 5th respondent, the 3rd respondent will pass favourable orders on the 5th respondent's request for issuing consent to operate. The inspection as directed above will be conducted at the earliest and at any rate within 10 days of receiving a copy of this judgment. The 3rd respondent will convey his impressions of the local inspection as to whether there is compliance with the directions in Ext.P3 to the 5th respondent then and there on the spot itself and if the 5th respondent is informed during inspection that there is no compliance with the directions in Ext.P3, the 5th respondent will be prohibited from continuing to operate the Flour Mill till such time as he receives the consent to operate.

PIUS C. KURIAKOSE,
JUDGE.

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